

**METROPOLITAN DEVELOPMENT COMMISSION  
HEARING EXAMINER**

**PUBLIC ASSEMBLY ROOM  
2ND FLOOR CITY-COUNTY BUILDING  
1:00 P.M.**

**STAFF REPORTS FOR MARCH 12, 2015**

**These reports do not in any way commit the Hearing Examiner  
to approve or disapprove any petition filed before it.**

Any decision of the Hearing Examiner may be appealed to the full Metropolitan Development Commission, subject to deadlines prescribed by the Metropolitan Development Commission, rules of procedure. Please contact the Current Planning staff, 327-5155, within the first or second day after the hearing, to determine the appropriate appeal procedures.

<b>PETITION NO.</b>	<b>PETITION ADDRESS AND LOCATION</b>	<b>PAGE</b>
<b>EXPEDITED PETITIONS:</b>		
2015-APP-001	8051 SOUTH EMERSON AVENUE FRANKLIN TOWNSHIP, CD #25	2
2015-APP-003	45 WEST 40TH STREET WASHINGTON TOWNSHIP, CD #8	9
<b>CONTINUED PETITIONS:</b>		
2014-CVR-813** 2014-CPL-813	7775 RIDGE ROAD WASHINGTON TOWNSHIP, CD #3	15
<b>NEW PETITIONS:</b>		
2015-ZON-004**	3904 ROCKVILLE ROAD WAYNE TOWNSHIP, CD #14	16
2015-CAP-805 2015-CZN-805	2616 GLENNS VALLEY LANE PERRY TOWNSHIP, CD #22	17

\*Automatic Continuance \*\* Continuance Requested \*\*\* Withdrawal or Dismissal Requested

## **STAFF REPORT**

### **Department of Metropolitan Development Division of Planning Current Planning Section**

**Case Number:** 2015-APP-001  
**Address:** 8051 South Emerson Avenue  
**Location:** Franklin Township, Council District #25  
**Petitioner:** LHT Beech Grove LLC  
**Request:** Hospital District-One Approval to provide for a 161.8-square foot illuminated, individual letter wall sign on the north facade.

### **RECOMMENDATIONS**

Staff **recommends approval** of this petition, subject to the site and elevation plans, file-dated January 27, 2015.

### **SUMMARY OF ISSUES**

The following information was considered in formulating the recommendation:

#### **LAND USE**

- ◇ This site is zoned HD-1 and contains a multi-story medical building. It is abutted to the north and west by hospital campus parking areas; to the east by another multi-story medical building, zoned HD-1; and to the south, a hospital campus, zoned HD-1.

#### **HOSPITAL DISTRICT ONE APPROVAL**

- ◇ The Special Districts Zoning Ordinance states, "Land in the HD-1 and HD-2 Districts is subject to the following site and development requirements. In review of the proposed site and development plan, the Commission shall assess whether the site and development plan, proposed use, buildings and structures shall:
  - a) Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana;
  - b) Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, within the hospital district and with adjacent uses;
  - c) Provide sufficient and adequate access, parking and loading areas;
  - d) Provide traffic control and street plan integration with existing and planned public streets and interior roads;
  - e) Provide adequately for sanitation, drainage and public utilities;
  - f) Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana; and

(Continued)

## **STAFF REPORT 2014-CAP/CVR-817 (Continued)**

- g) Provide sidewalks along eligible public streets, excepting interstate, expressway, freeway, as indicated in the current Official Thoroughfare Plan for Marion County, Indiana, and other full control of access frontages as determined by the Administrator; and, pedestrian accessibility to available public transit.

The Commission may consider and act upon any such proposed use and site and development plan, approve the same in whole or in part, and impose additional development standards, requirements, conditions, or commitments thereon at any public hearing of the Commission.”

### **APPROVAL REQUEST**

- ◇ This petition would provide for an individual letter, illuminated wall sign, meeting the standards of the Sign Regulations. Presently, the only sign on the north façade is the address on the upper-west elevation of the building. The building sign identification being requested is reasonably sized and appropriately designed for this HD-1 district.

### **GENERAL INFORMATION**

#### **EXISTING ZONING AND LAND USE**

HD-1	Medical office building
------	-------------------------

#### **SURROUNDING ZONING AND LAND USE**

North -	HD-1	Parking lot
South -	HD-1	Hospital
East -	HD-1	Medical office building
West -	HD-1	Parking lot

#### **NEIGHBORHOOD PLANNING AREA**

This site is located within the boundaries of the *I-65 / South County Line Road Strategic Plan* which recommends Hospital use.

#### **THOROUGHFARE PLAN**

This portion of South Emerson Avenue is indicated on the Official Thoroughfare Plan as a primary arterial with a 50-foot right-of-way existing and a 140-foot right-of-way proposed. This portion of East Stop Eleven Road is indicated on the Official Thoroughfare Plan as a secondary arterial with a 45-foot right-of-way existing and a 140-foot right-of-way proposed.

#### **FLOODWAY/FLOODWAY FRINGE**

This site is not located within the floodway or floodway fringe.

#### **FINDINGS OF FACT**

File-dated January 27, 2015

#### **SITE PLAN**

File-dated January 27, 2015

#### **LANDSCAPE PLAN**

File-dated January 27, 2015  
(Continued)

## **STAFF REPORT 2014-CAP/CVR-817 (Continued)**

### **ZONING HISTORY**

**2014-CAP-817 / 2014-CVR-817; 8111 South Emerson Avenue**, requests Hospital District-One Approval to provide for a one-story, Hospice House, a 6.21-foot tall, 36-square foot pylon sign, three 5.5-foot tall, 15.42-square foot directional signs, wall and other accessory signs and off-street parking and a variance of development standards of the Sign Regulations to provide for a 6.21-foot tall, 36-square foot pylon sign (maximum four-foot tall sign permitted within 600 feet of a protected district), and three 5.5-foot tall, 15.42-square foot directional signs (maximum height of 2.5 feet and area of six square feet permitted, **approved**).

**2012-APP-018; 8111 South Emerson Avenue**, requests Hospital District One Approval to provide for additional parking, **approved**.

**2011-CAP-834 and 2011-CVR-834; 8111 South Emerson Avenue (subject site)**, requested Hospital District Two Approval to provide for the construction of a convent, **approved**.

**2011-ZON-033; 8111 South Emerson Avenue (subject site)**, requested rezoning of 3.149 acres, from the HD-1 and HD-2 Districts, to the HD-2 classification to provide for a convent, **pending**.

**2010-CVR/CAP-827; 8111 South Emerson Avenue (abutting site to north)**, requested Hospital District One approval to provide for a hospital campus sign program, **approved**.

**2009-CMP-822 and 2009-CVR-822; 8141 South Emerson Avenue (south of site)**, requested Hospital District One Approval to provide for building identification signs, and variance of Development Standards of the Sign Regulation to provide for a 44.1-square foot wall sign covering 3.9 percent of the west building façade, **approved**.

**2008-APP-097; 8111 South Emerson Avenue (subject site)**, requested HD-1 approval to provide for a two-story, approximately 48-foot tall, 70,000-square foot building addition, **approved**.

**2008-APP/VAR-834; 5250 and 5330 East Stop 11 Road (north of site)**, requested Hospital District Two approval to provide for a pylon sign, a pole sign and five wall signs, three of which would have excessive sign area, **approved**.

**2007-APP-067; 8051 South Emerson Avenue (subject site)**, requested Hospital District One approval to provide for a six-story, approximately 116-foot tall, approximately 417,000-square foot building addition, including penthouse, to the hospital, a parking lot expansion to the east of the hospital, and the relocation of a 5,000-square foot maintenance building, **approved**.

**2006-ZON-123; 8051 South Emerson Avenue (subject site)**, requested rezoning of 30 acres from HD-2 to HD-1 to provide for hospital expansion, **approved**.

(Continued)



## **STAFF REPORT 2014-CAP/CVR-817 (Continued)**

**2005-VAR-801; 8051 South Emerson Avenue (subject site)**, requested variance of development standards of the Sign Regulations to provide for a 20-foot tall, 371-square foot, three-sided pole sign (maximum 2400-square foot sign area permitted, three-sided signs not permitted), located 580 feet from a protected district (maximum four-foot tall freestanding ground signs permitted within 600 feet of a protected district), **approved**.

**2005-APP-072; 8051 South Emerson Avenue (subject site)**, requested approval to provide for expansion and rehabilitation of parking areas, construction of a new access drive from Stop 11 Road, construction of new sidewalks, pedestrian ramps, and crosswalk striping, and the construction of a new vehicle/pedestrian bridge across the proposed relocated Pleasant Run, **approved**.

**2005-APP-039; 8051 South Emerson Avenue (subject site)**, requested approval to provide for the construction of a helistop near the existing emergency room entrance, **approved**.

**2004-APP-131; 8051 South Emerson Avenue (subject site)**, requested approval to provide for a 3,552-square foot addition for an oncology expansion on the south side of the Cancer Center at the Indianapolis Campus of Saint Francis Hospital, **approved**.

**2004-APP-045; 8051 South Emerson Avenue (subject site)**, requested approval to provide for the relocation of a 150-square foot individual letter wall sign, **approved**.

**2003-APP-038; 8051 South Emerson Avenue (subject site)**, requested approval to provide for two, 30.75-square foot, individually-numbered, illuminated building address wall signs, **approved**.

**2002-APP-109; 8051 South Emerson Avenue (subject site)**, requested approval for the placement of a 127.16 square-foot wall sign, **approved**.

**2002-VAR-824; 8051 South Emerson Avenue (subject site)**, requested variance of development standards to provide for the placement of four, eight-foot tall directional incidental signs and three, 5.5-foot tall parking and loading incidental signs all located internal to the St. Francis Hospital and Health Center South Campus, **approved**.

**93-AP-31; 5361 East Stop Eleven Road (subject site)**, requested Hospital District One approval to permit construction of a hospital ancillary building, a family health center building and a medical office building, **approved**.

**92-AP-80; 5361 East Stop Eleven Road (subject site)**, requested Hospital District One approval to construct phase one of a hospital, **approved**.

**91-Z-39 A and B; 5361 East Stop Eleven Road (includes subject site)**, requested rezoning of 107.85 acres, from the D-A District to the HD-1 and HD-2 classifications, to provide for hospital use, **granted**.

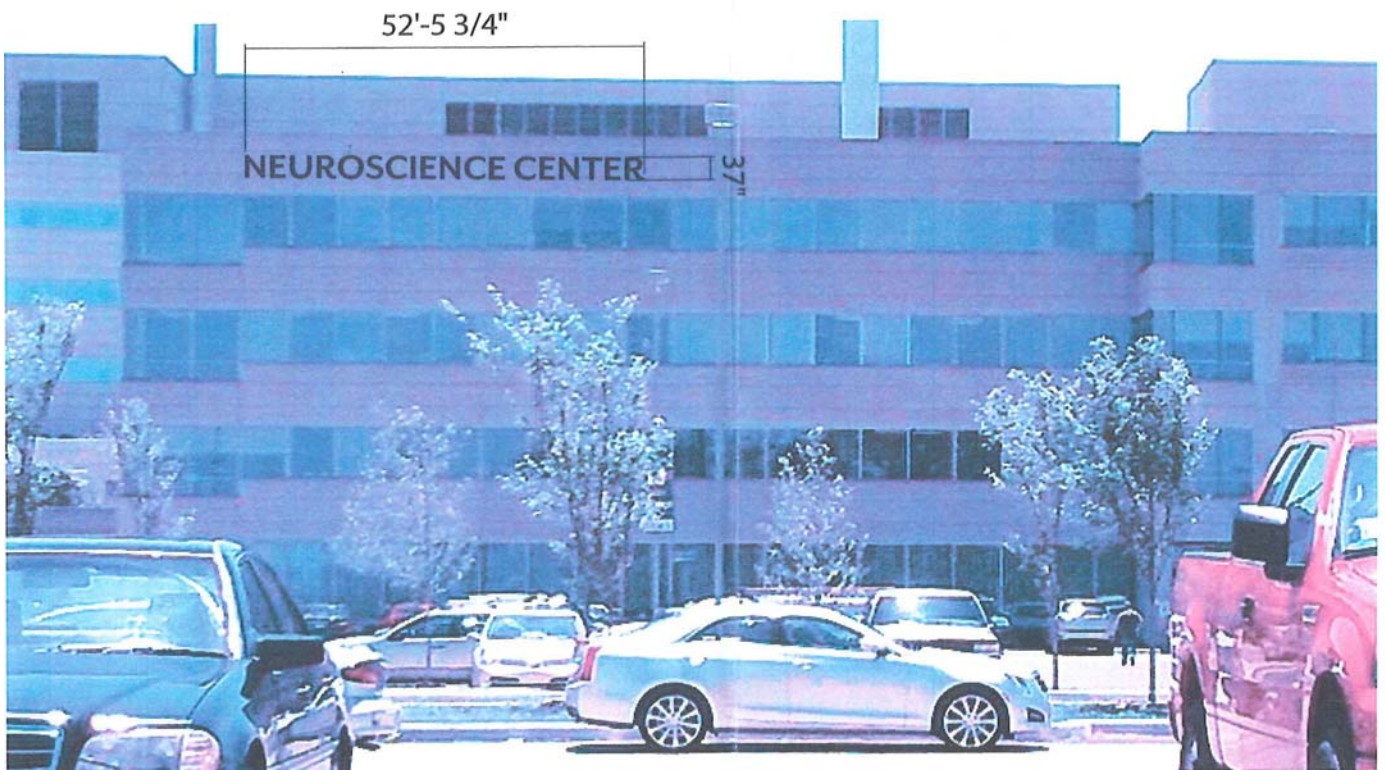
LWC

\*\*\*\*\*

Photograph One – Site

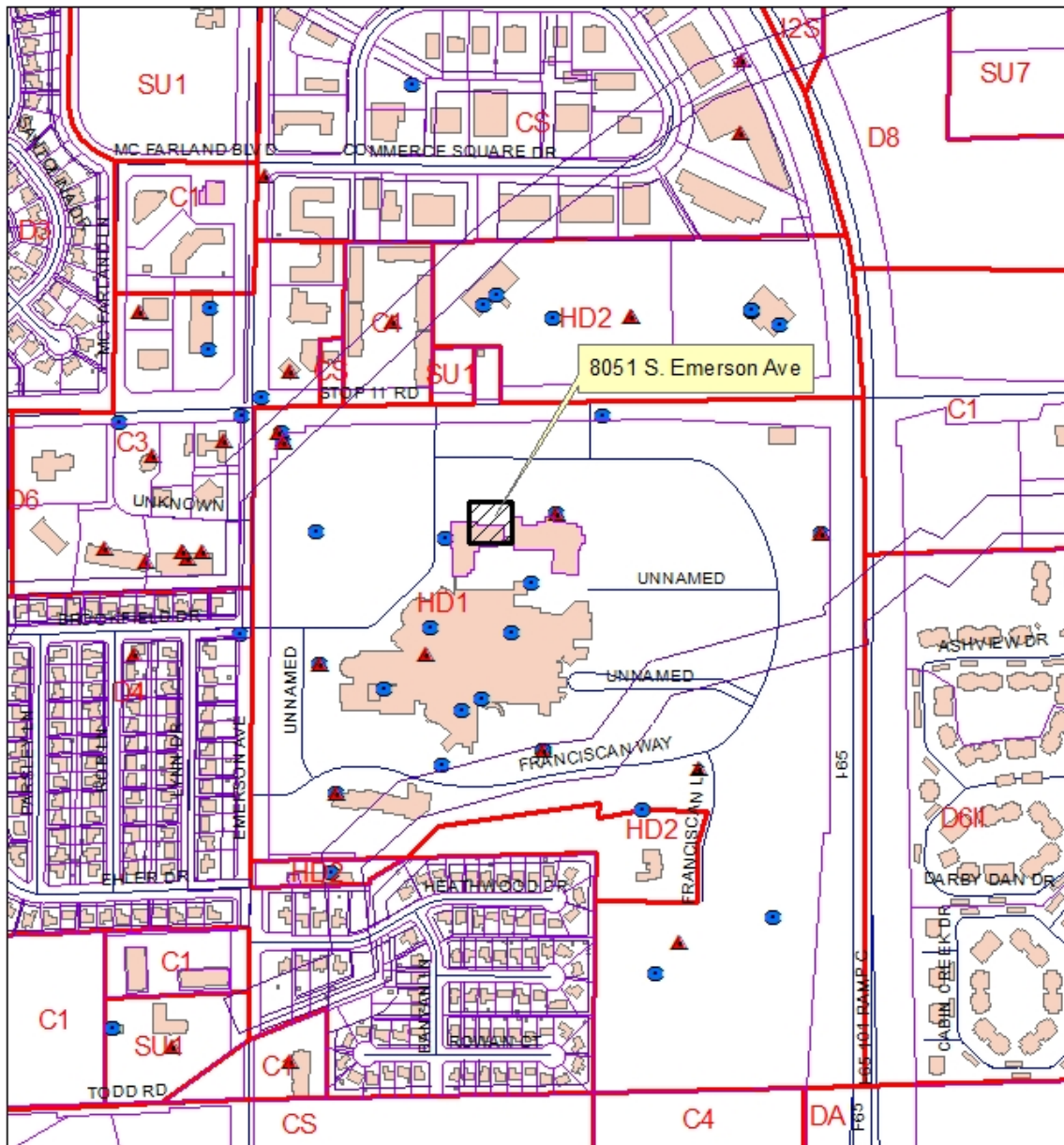


**8051 S. Emerson Ave**  
Illuminated Building Letters





# 2015-APP-001



0 245 490 980 1,470 1,960 Feet



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-APP-003  
**Address:** 45 West 40<sup>th</sup> Street (Approximate Address)  
**Location:** Washington Township, Council District # 8  
**Lot Size:** 9.41 acres  
**Petitioner:** City of Indianapolis Department of Parks and Recreation, David and Justin Kingen  
**Request:** Park District-One Approval to provide for the redevelopment of a park, per plans filed.

### **RECOMMENDATIONS**

Staff **recommends approval** of the petition, subject to the site plan, file-dated February 27, 2015.

### **SUMMARY OF ISSUES**

The following issues were considered in formulating the recommendation:

#### **LAND USE**

- ◇ All development within the PK-1, Park District, is required by Ordinance to receive Metropolitan Development Commission (MDC) approval for both the proposed use of the property as well as the development plan. Under the Ordinance, “the Commission shall assess whether the site and development plan, proposed use, buildings and structures shall”:
  - Be so designed as to create a superior land development plan, in conformity with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan for Marion County
  - Create and maintain a desirable, efficient and economical use of land with high functional and aesthetic value, attractiveness and compatibility of land uses, with adjacent park and other land uses
  - Provide sufficient and adequate access, parking and loading areas
  - Provide traffic control and street plan integration with existing and planned public streets and interior roads
  - Provide adequately for sanitation, drainage and public utilities
  - Allocate adequate sites for all uses proposed - the design, character, grade, location and orientation thereof to be appropriate for the uses proposed, logically related to existing and proposed topographical and other conditions, and consistent with the Comprehensive Plan of Marion County, Indiana, including the Comprehensive Park Plan of Marion County, Indiana.
  - Provide pedestrian accessibility, which may be paths, sidewalks, trails or combination thereof, along eligible public streets.

(Continued)

## **STAFF REPORT 2015-APP-003 (Continued)**

- ◇ This site is a 9.41-acre public park known as Tarkington Park, which has been developed with various recreational amenities, including a playground, tennis courts and basketball courts.
- ◇ This request would provide for the development of the southwest corner of the park, which is currently undeveloped, but has been utilized in the past as a baseball diamond. The new amenities proposed include a spray plaza, a performance stage, a café, restrooms, playground and basketball half-courts. Additionally, landscaping, a bus shelter and perpendicular parking on 39<sup>th</sup> Street would be provided.
- ◇ The development would be compatible with the four neighborhood/corridor plans covering this area, which recommend park use for this site. Additionally, after review of the proposed uses and development plan, staff finds that the proposal would meet all of the items listed above that should be considered by the Commission in the Special Districts Zoning Ordinance.

### **COMPREHESIVE PARK PLAN**

- ◇ The Tarkington Park Master Plan for this site was adopted in 2012. This petition is generally consistent with the adopted park plan in that all of the proposed amenities were considered desirable by the community and contemplated by the plan.

### **GENERAL INFORMATION**

EXISTING ZONING AND LAND USE	PK-1	Park
------------------------------	------	------

#### **SURROUNDING ZONING AND LAND USE**

North - D-2 / D-9	Multi-family residential/community center
South - C-3 / SU-1	Parking lot/Church
East - D-9/C-1	Multi-family residential/office
West - C-4/C-1	Commercial

#### **NEIGHBORHOOD PLANNING AREA**

The 38<sup>th</sup> Street Corridor Plan recommends park uses for the subject site.  
The Meridian Street Preservation Area plan recommends park uses for the subject site.  
The North Meridian Street Corridor Plan recommends park uses for the subject site  
The Butler Tarkington Plan recommends recreation uses for the subject site.

(Continued)

## **STAFF REPORT 2015-APP-003 (Continued)**

### **THOROUGHFARE PLAN**

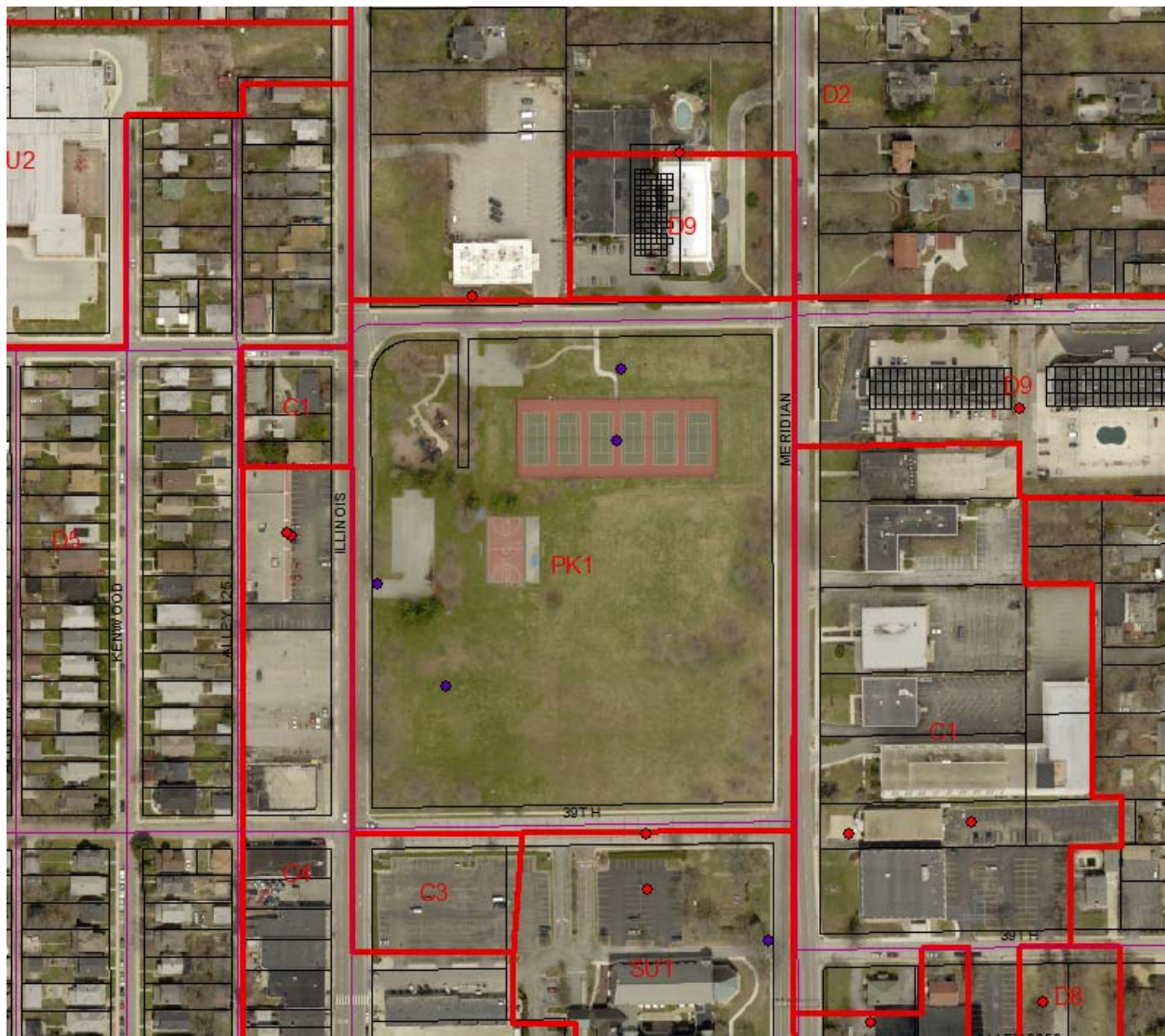
The Official Thoroughfare Plan indicates that Meridian Street is a primary arterial, with a 70-foot right-of-way existing and a 70-foot right-of-way proposed. The Official Thoroughfare Plan indicates that Illinois Street is a secondary arterial, with a 60-foot right-of-way existing and a 60-foot right-of-way proposed. Neither 39<sup>th</sup> Street nor 40<sup>th</sup> Street are indicated in the plan.

### **ZONING HISTORY**

None.

LA

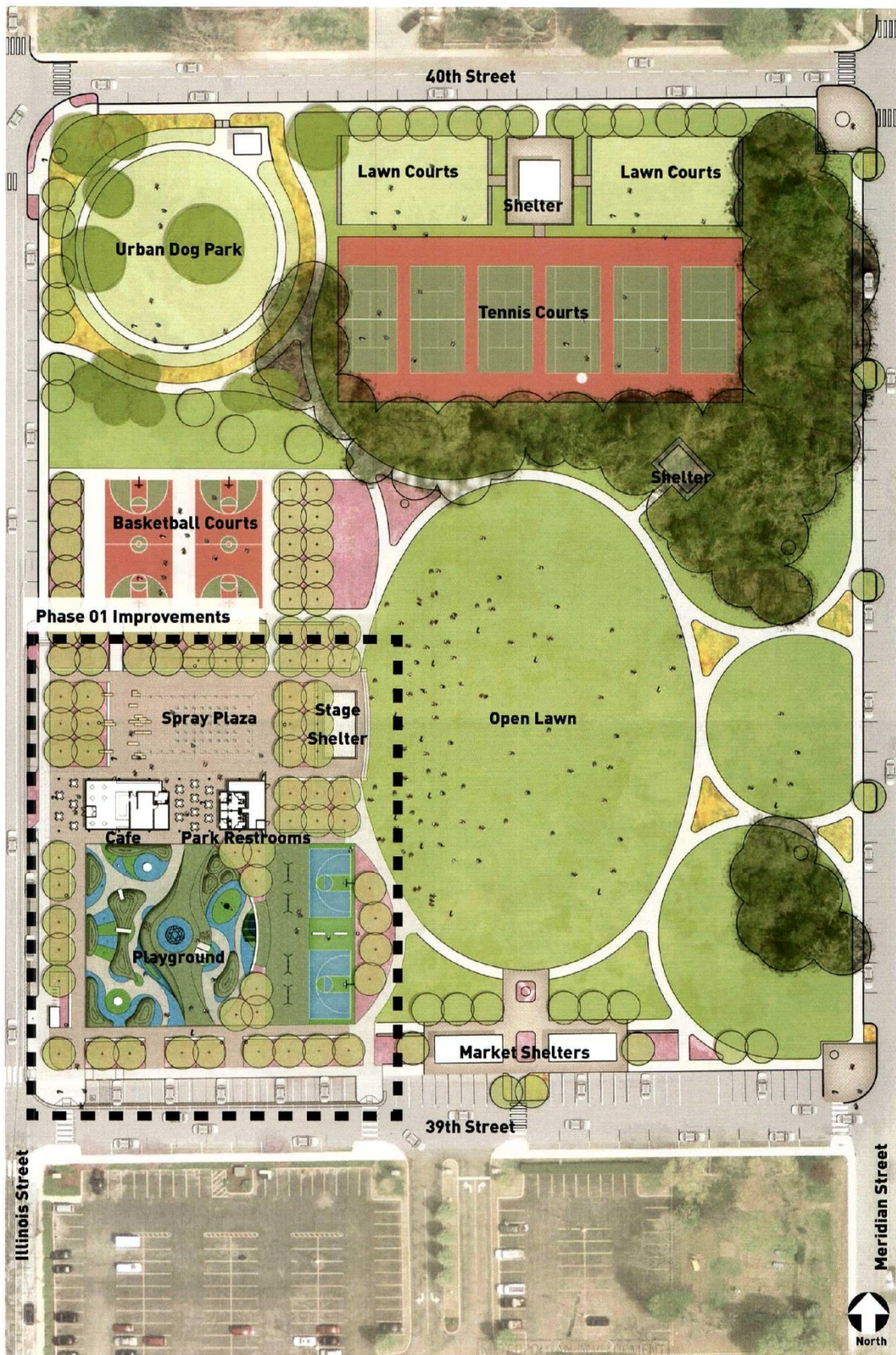
\*\*\*\*\*











**Tarkington Park | Master Plan**

FEB 27 2015







Tarkington Park | Phase 01

METROPOLITAN DEVELOPMENT  
FEB 27 2015



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2014-CVR-813 / 2014-CPL-813  
**Address:** 7775 Ridge Road (Approximate address)  
**Location:** Washington Township, Council District # 3  
**Petitioner:** Jerrold Ryan, by Michael Rabinowitch  
**Requests:** Variance of development standards of the Dwelling Districts Zoning Ordinance to provide for a second lot without frontage on or direct access to a public street, and without 150 feet of lot width at the required setback line (75 feet of public street frontage required, direct access to a public street required, 150 feet of lot width required at the required setback line, existing lot without frontage approved by 77-V1-106).

**Approval of a Subdivision Plat to be known as Megan's Place at Williams Creek, subdividing 5.74 acres into two lots, with a waiver of sidewalks.**

This petition was automatically continued by a registered neighborhood organization from the June 12, 2014 hearing to the July 10, 2014 hearing. It was continued by the petitioner from July 10, 2014 to September 11, 2014, from September 11, 2014 to November 13, 2014, from November 13, 2014 to January 15, 2015 and from January 15, 2015 to February 12, 2015.

The petitioner has indicated that additional time is needed to meet with neighbors and discuss these petitions. Additionally, the petition may be amended to add additional land. Therefore, the petitioner has indicated that they will be requesting a continuance to the **May 14, 2015** hearing.

LA

\*\*\*\*

## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-ZON-004  
**Address:** 3904 Rockville Road (Approximate Address)  
**Location:** Wayne Township, Council District # 14  
**Petitioner:** TRG Partners, LLC, by Justin Gifford  
**Request:** Rezoning of 0.22 acre, from the C-3 district, to the C-4 classification to provide for automobile tire sales.

The legal notice for this petition was not sent within the required 23-day timeframe. Therefore, this petition should be continued to the **March 26, 2015** hearing.

LA

\*\*\*\*\*



## STAFF REPORT

### Department of Metropolitan Development Division of Planning Current Planning Section

**Case Number:** 2015-CZN-805 / 2015-CVR-805  
**Address:** 2616 Glenns Valley Lane  
**Location:** Perry Township, Council District #22  
**Petitioner:** Storage of America, LLC  
**Request:** Rezoning of 2.81 acres from the C-S (FW) (FF) (W-1) District to the C-S (FW) (FF) (W-1) classification to provide for C-1 uses, industrial flex showrooms and self-storage facilities.  
  
Modification of Commitments to modify Commitment Two of 2001-ZON-114 to provide for C-1 uses, industrial flex showrooms and self-storage facilities, to modify Commitment Three to change the referenced site plan, and to terminate Commitments Four through 12 related to a contractor business.

### **RECOMMENDATIONS**

Staff **recommends approval** of this petition, subject to the concept site plan file-dated February 5, 2015, as modified by the following commitments, which shall be reduced to writing on the Commission's Exhibit "B" forms at least three days prior to the MDC hearing:

1. A minimum 40-foot side transitional setback, with landscaping, shall be provided along the north, west and south property lines. This required west side yard may be reduced, as needed, within the southern 140 feet of this site to properly accommodate safe and efficient ingress/egress, as required and permitted by the Department of Code Enforcement.
2. A tree inventory and preservation plan shall be submitted for and subject to Administrator's approval prior to the issuance of an Improvement Location Permit (ILP) and prior to any site preparation activity. This plan shall, at a minimum: a) delineate the location of the existing trees, b) characterize the size and species of such trees, c) indicate proposed development, and d) identify the method of preservation (e.g. provision of snow fencing or staked straw bales at the individual tree's dripline during construction activity). All trees proposed for removal shall be indicated as such. All development shall be located in a manner which causes the least amount of disruption to the trees. A minimum of fifty percent of the existing evergreen trees, with a minimum caliper size of five inches shall be preserved.
3. Final site plans shall be submitted for Administrator's Approval prior to the issuance of an Improvement Location Permit.
4. Commitments Six, Seven and Nine of 2001-ZON-114 (Instrument #2002-0051498) shall be included with this petition.

### **SUMMARY OF ISSUES**

The following information was considered in formulating the recommendation:

(Continued)

## **STAFF REPORT 2015-CZN-805 / 2015-CVR-805 (Continued)**

### **LAND USE**

- ◇ This 2.81-acre site is zoned C-S and is unimproved, with perimeter trees. To the north is wooded floodway, zoned D-A (FW) (FF) (W-1); to the west is residential and agricultural land, zoned D-A (FF) (FW) (W-1); to the south is a religious use, zoned SU-1 (FF) (FW) (W-1); and to the east is residential, zoned D-A.
- ◇ This site was the subject of a 2001 rezoning petition, 2001-ZON-114, which rezoned the site to the C-S classification, providing for an electrical contractor, with several commitments. Staff recommended denial of that request
- ◇ The current petition would permit C-1 uses, industrial flex showrooms and self-storage facilities while eliminating the majority of the Commitments of the 2001 petition.
- ◇ This request would not be consistent with the plan recommendation of 0-1.75 units per acre. However, given the previous approval for a light industrial / heavy commercial use, Staff could support this request, under certain circumstances.

### **COMMITMENTS**

- ◇ The 2001 petition included twelve commitments, two of which would be modified to provide for the uses and site plan proposed with this petition. The remaining commitments required for the electrical contractor would be terminated. While it is not unreasonable to consider eliminating commitments that are specifically related to a particular use, in Staff's opinion, some of the commitments related to infrastructure should be maintained, because this proposal includes heavy commercial / light industrial uses, which would impact the private road used for ingress/egress.
- ◇ So, at a minimum Commitments Seven (7) and Nine (9), which address road widening, maintenance and repair, should be retained.
- ◇ Additionally, Commitment Six (6), which addresses lighting impact should be retained since this site abuts residential uses to the south and west.

### **SITE PLAN**

- ◇ The site plan file-dated February 5, 2015 proposes a self-storage facility, with fairly substantial perimeter yards. As indicated in aerial photography included in this report, small wooded areas are within portions of these perimeter yards. Care should be taken to preserve these trees, particularly along the west and south yards, within minimum 40-foot wide transitional yards. Additionally, some of the approximately twelve evergreen trees on the site, which occur mainly near the east and south property lines, should be preserved. To that end, a tree preservation plan should be submitted for Administrator's Approval, which preserves the majority of the evergreen trees and a substantial portion of the deciduous trees.

(Continued)

## **STAFF REPORT 2015-CZN-805 / 2015-CVR-805 (Continued)**

- ◇ Additionally, care should be taken to locate the proposed driveway in a manner that provides for safe and efficient access, while providing an adequate west side transitional yard.

### **WELLFIELD PROTECTION**

- ◇ This site is located in a W-1 Wellfield Protection District. Any development would be subject to the Wellfield Protection Zoning Ordinance, which would require a site and development plan to be approved by the Administrator, prior to obtaining an Improvement Location Permit.

### **FLOODWAY / FLOODWAY FRINGE**

- ◇ The Department of Public Works has determined that the portions of the subject site are located within a Floodway and Floodway Fringe District. Therefore, any development would be subject to the Flood Control Districts Zoning Ordinance.

### **GENERAL INFORMATION**

EXISTING ZONING AND LAND USE	D-A (FW) (FF) (W-1)	Undeveloped
------------------------------	---------------------	-------------

#### **SURROUNDING ZONING AND LAND USE**

North -	D-A (FW) (FF) (W-1)	Undeveloped
South -	SU-1 (FW) (FF) (W-1)	Religious use
East -	D-A (W-1)	Undeveloped and single-family residential
West -	D-A (FW) (FF) (W-1)	Single-family residential

#### **GENERAL COMPREHENSIVE LAND USE PLAN**

Recommends residential development at zero to 1.75 units per acre.

#### **THOROUGHFARE PLAN**

Glenns Valley Lane is not indicated on the Official Thoroughfare Plan. The Official Thoroughfare Plan indicates that SR 37 is a Expressway, with a 120-foot right-of-way existing and a 200-foot right-of-way proposed.

#### **SITE PLAN**

File-dated February 5, 2015

### **ZONING HISTORY**

**2001-ZON-114; 8630 Bluff Road**, requests a rezoning of 3.44 acres, from D-A (FF) (FW) (W-1) and SU-1 (FF) (FW) (W-1) Districts to C-ID (FF) (FW) (W-1), to provide for an electrical contractor, **granted**.

LWC

\*\*\*\*\*

2001-2004-117 (5)

**STATEMENT OF COMMITMENTS**  
**COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE**  
**MADE IN CONNECTION WITH A REZONING OF PROPERTY OR PLAN APPROVAL**

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-614, the owner of the real estate located in Marion County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Legal Description: PLEASE FIND ATTACHED  
Statement of COMMITMENTS:

1. The owner agrees to abide by the Open Occupancy and Equal Employment Opportunity Commitments required by Metropolitan Development Commission Resolution No. 85-R-69, 1985, which commitments are attached hereto and incorporated herein by reference as Attachment "A".
2. The use of the entire property described in the Petition shall be restricted to the operation of the business office and indoor storage area with indoor and outdoor parking facilities.
3. The property shall be developed and maintained in substantial compliance with the site plan file marked October 24, 2001.
4. No outdoor storage or display shall be permitted on the property.
5. A landscape plan providing perimeter landscaping along the west and south boundary lines shall be approved by the Administrator prior to the issuance of an Improvement Location Permit.
6. Exterior security lighting shall be provided and maintained at all times, provided however that all exterior lighting shall be so designed, constructed and maintained as to limit the spillage of light beyond the boundaries of the property.
7. Vehicle access from the property shall be limited to the south property line only, as proposed on the site plan file dated October 24, 2001. The Petitioner/Owner and future owners of the property described herein shall contribute to the Maintenance and repair of the frontage road providing access to State Road 37 in accordance with a maintenance agreement to be executed by the Petitioner and all parties having access thereto. Any damage to the frontage road caused by Petitioner's use thereof during development of the property and/or construction of the improvements shall be repaired immediately following completion of such construction, restoring the said frontage road to as good or better condition as existed prior to the use by Petitioner for development and construction of the property.
8. A solid screen fence shall be constructed and maintained in good condition at all times thereafter along the entire west boundary of the property.
9. The radius of the entry to the property as it intersects with the frontage road shall be widened to permit better access by traffic southbound on State Road 37 to the frontage road and the property, in accordance with the requirements of the Indiana Department of Transportation.
10. The exterior elevations of the building to be constructed by Petitioner on the property shall be substantially as depicted in the colored rendering submitted by Petitioner in support of this Petition.
11. Vehicle traffic to and from the property shall be restricted to passenger vehicles and trucks with no more than three (3) axles.
12. Petitioner will use its best efforts to enable improvement of the existing northbound left turn lane on State Road 37 at its intersection with the frontage road which provides access to the property.

These COMMITMENTS shall be binding on the owner, subsequent owners of the real estate and other persons acquiring an interest therein; provided that Commitment #1 (Open Occupancy and Equal Opportunity Commitments) shall not be binding on an owner, subsequent owners or other person acquiring an interest therein if such persons are exempt persons or are engaged in an exempt activity as defined on Attachment "A" which is attached hereto and incorporated herein by reference. These COMMITMENTS may be modified or terminated by a decision of the Metropolitan Development Commission made at a public hearing after proper notice has been given.

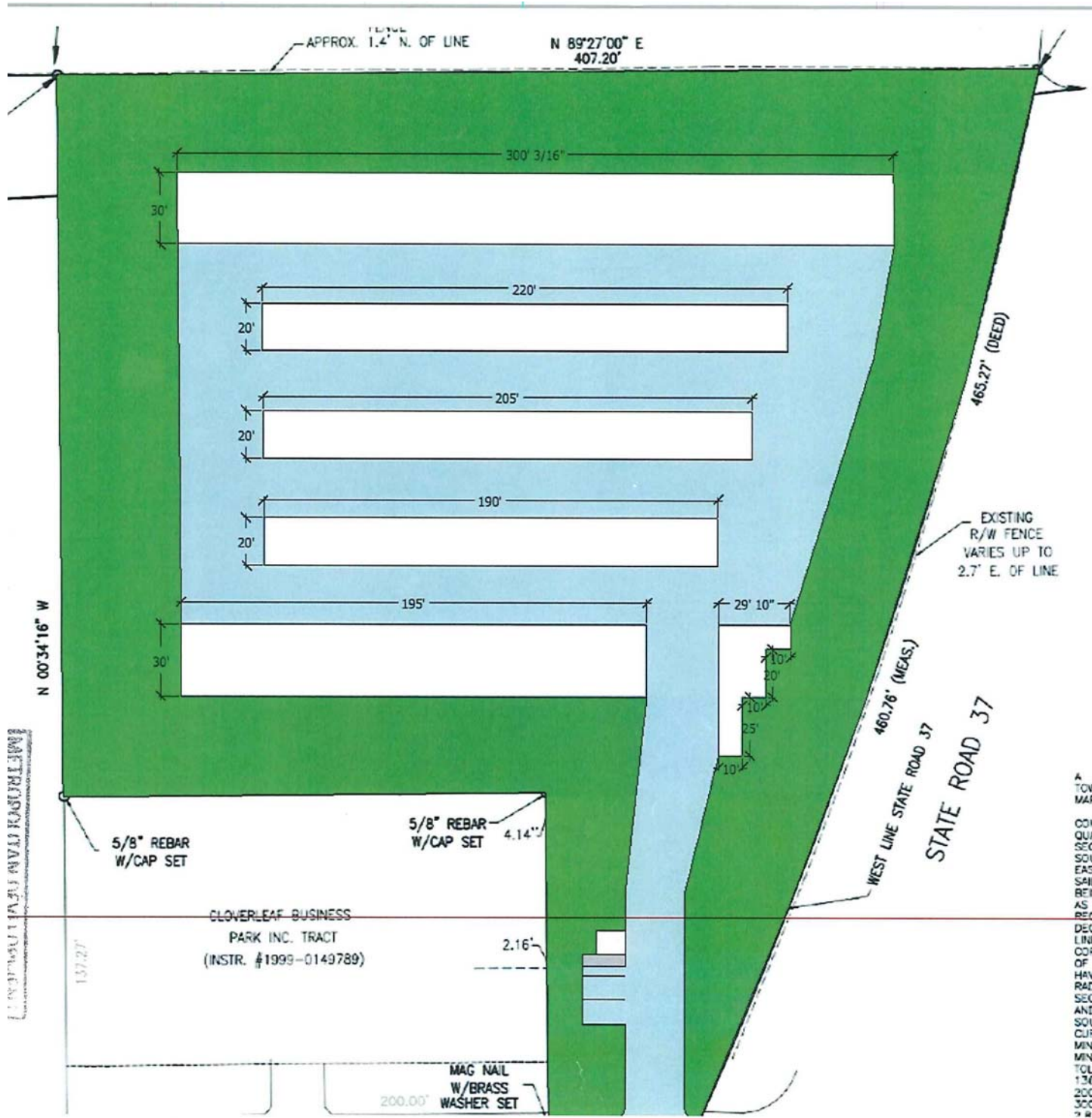
MDC's Exhibit B - - page 1

Inst # 2002-0051498

03/19/02 10:54AM WANDA MARTIN MARION CTY RECORDER DJS 17.00 PAGES: 5

8630 Bluff Rd





A  
TOW  
MAR  
COV  
QUA  
SEC  
SOU  
EAS  
SAD  
BEN  
AS  
REC  
DEG  
LINE  
COR  
OF  
HAY  
RAD  
SEC  
AND  
SOU  
CUR  
MINI  
TOLL  
136  
200  
300  
7 81

Photograph One – Site's frontage on SR 37





Photographs Two, Three and Four – Site's frontage on Glenns Valley Ln











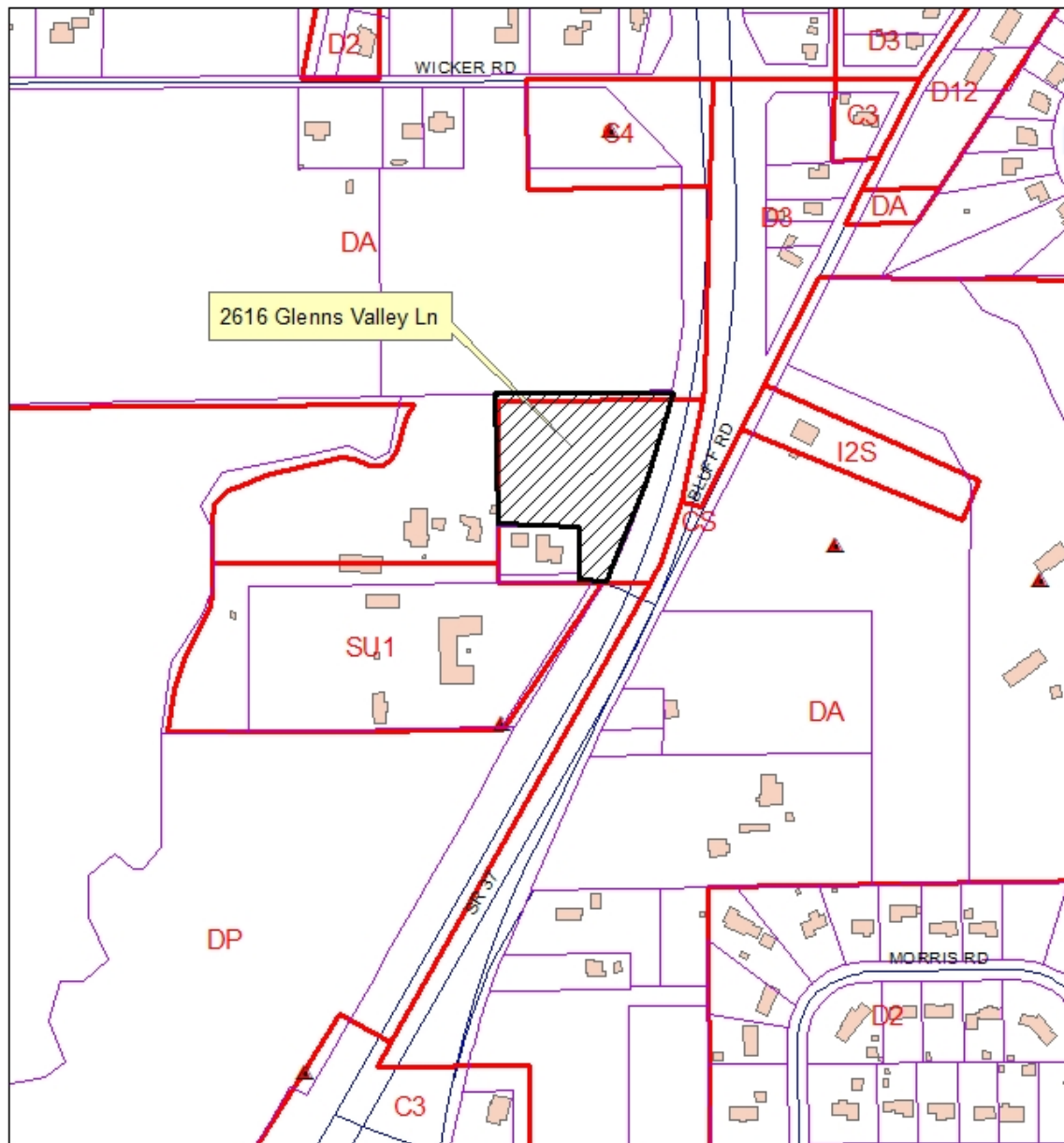








# 2015-CZN-CAP-805



0 155 310 620 930 1,240 Feet

